

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Joseph Grace,

10 Plaintiff,

11 v.

12 Jose De La Torre, et al.,

13 Defendants.
14

No. CV-25-01257-PHX-DWL

PRELIMINARY ORDER

15 The parties are advised of the following preliminary policies and procedures that
16 will govern these proceedings.

17 **IT IS ORDERED** as follows:

18 **Governing Rules**

19 Both counsel and *pro se* litigants must abide by the [Rules of Practice of the U.S.](#)
20 [District Court for the District of Arizona](#) (“Local Rules”) and the [Federal Rules of Civil](#)
21 [Procedure](#).

22 **Service Deadline**

23 Service of the summons and complaint on each defendant must occur within 90
24 days of filing the complaint. *See* Fed. R. Civ. P. 4(m). If service cannot occur within 90
25 days, a request for an extension may be filed *before* expiration of the 90-day period. Any
26 such request must set forth the reason why service has not been accomplished and request
27 a specific short additional period of time. If the Court believes your reason constitutes
28 “good cause,” it will authorize a brief additional period to accomplish service.

1 Proof of service must be filed with the Clerk of Court, in the form of an affidavit,
2 promptly after service has been made. *See* Fed. R. Civ. P. 4(l). It is important to comply
3 with this requirement—absent proof of service, the Court will have no way of knowing
4 that the complaint has been served.

5 This order serves as an express warning that the Court will dismiss this action,
6 without further notice to Plaintiff(s), with respect to any Defendant that is not timely
7 served. *See* Fed. R. Civ. P. 4(m).

8 **Forms of Papers**

9 The parties shall adhere to all of the requirements of LRCiv 7.1, including the
10 requirement that text and footnotes shall be no smaller than 13 point. The Court prefers
11 Times New Roman 13-point font. Citations supporting any textual proposition shall be
12 included in the text, not dropped in a footnote.

13 **Paper Courtesy Copies**

14 Please do not send paper courtesy copies of pleadings, short procedural motions
15 (*e.g.*, motion for extension of time), 26(f) reports, or stipulations. A paper courtesy copy
16 of dispositive motions (or other lengthy motions that will be opposed) and any responses
17 or replies thereto shall be either postmarked and mailed to the judge or hand-delivered *to*
18 *the judge's mail box* located in the courthouse by the next business day after the
19 electronic filing. Please do not attempt to deliver documents to the Judge's chambers. A
20 copy of the face page of the Notice of Electronic Filing shall be appended to the last page
21 of the courtesy copy. Courtesy copies of documents too large for stapling must be bound
22 with a metal prong fastener at the top center of the document or submitted in three-ring
23 binders.

24 **Amending Pleadings**

25 Rule 15 of the Federal Rules of Civil Procedure and LRCiv 15.1 govern pleading
26 amendments. Pursuant to LRCiv 15.1(b), if all parties consent to an amendment, leave of
27 the Court is not necessary, so the parties shall not file a motion or stipulation. A party
28 amending as a matter of course or with the opposing parties' consent must file a notice of

1 filing the amended pleading. The notice must specify whether the amendment is being
2 made pursuant to FRCP 15(a)(1) (amendment as a matter of course) or 15(a)(2)
3 (amendment with the opposing party's written consent). If the amendment is with the
4 opposing party's written consent, the certification required by LRCiv 15.1(b) must be
5 included in the notice, even if consent can be gleaned elsewhere on the record (*e.g.*,
6 consent given during a hearing). If the amendment is as a matter of course, the notice
7 shall specify whether Rule 15(a)(1)(A) or 15(a)(1)(B) permits the amendment and must
8 provide the applicable service date (the date that opened the 21-day window of time in
9 which amendment as a matter of course is permissible).

10 Before filing a motion for leave to amend, the party that wishes to amend must
11 seek the consent of the other parties in an attempt to file the amended pleading pursuant
12 to LRCiv 15.1(b). If any party is unwilling to consent, the motion for leave to amend
13 must indicate which party (or parties) will oppose the request. If a motion for leave to
14 amend a pleading fails to so indicate, the motion will be denied without prejudice for
15 failure to adhere to this order.

16 To amend by any means (as a matter of course, with the opposing party's consent,
17 or by motion), the amending party must file a copy of the amended pleading that
18 indicates in what respect it differs from the pleading which it amends, by bracketing or
19 striking through the text that was deleted and underlining the text that was added.
20 Microsoft Word users can create this copy by selecting the "Track Changes" option in the
21 "Review" panel before making any changes.

22 **Motions and Stipulations**

23 Every motion or stipulation, however mundane, must cite the rule(s) and/or law(s)
24 that permit the Court to grant the requested relief. Requests for extensions of time must
25 include a brief explanation of why the extension is needed, to help the Court determine
26 whether there is good cause. *See* Fed. R. Civ. P. 6(b)(1)(A).

27 To ensure timely case processing, a party moving for an extension of time,
28 enlargement of page limitations, or leave to file a document under seal shall indicate in

1 the motion whether the non-movant opposes the request and intends to file a written
 2 response. If such a motion does not so indicate, it may be denied for failure to comply
 3 with this Order.

4 Motions and stipulations should be accompanied by proposed orders.¹ These
 5 proposed orders must not be on law firm letterhead and must not contain any information
 6 identifying the party submitting the order, and they must set forth the relief requested,
 7 rather than incorporating the motion or stipulation by reference. *See also* LRCiv.
 8 7.1(b)(3). The proposed orders must be emailed—in Microsoft Word format (*not*
 9 PDF)—to lanza_chambers@azd.uscourts.gov. The subject line of the email must include
 10 the case name, case number, the words “proposed order for [name of motion],” and an
 11 indication of whether the motion is opposed or unopposed if this is not otherwise
 12 apparent from the name of the motion.

13 **Rule 12 Motions Are Discouraged**

14 Any motion under Federal Rule of Civil Procedure 12 is discouraged if the
 15 challenged defect in the pleading can be cured by filing an amended pleading. The Court
 16 therefore requires that: (1) before filing a Rule 12(b)(6) motion to dismiss or a Rule 12(c)
 17 motion for judgment, the movant must confer with the opposing party to determine
 18 whether such motion can be avoided; and (2) the movant must attach a certificate of
 19 conferral, certifying that it notified the opposing party of the issues asserted in its motion
 20 and that the parties conferred but were unable to agree that the pleading was curable in
 21 any part by a permissible amendment offered by the pleading party. *See also* Local Rule
 22 12(c). The requirement to meet and confer and attach a certificate of conferral applies in
 23 equal force to motions to dismiss amended complaints, notwithstanding earlier conferrals
 24 and certificates before the complaint was amended. Any motion lacking the required
 25 certification may be summarily stricken.

26 **Protective Orders**

27
 28 ¹ A proposed order is not necessary for motions that will require a reasoned analysis
 from the Court, or for stipulations requesting issuance of the Court’s standard protective
 order with no amendments.

1 The Court's standard protective order is available on the Judges' Orders, Forms &
 2 Procedures page on the Court's internet site. If the parties agree that discoverable
 3 materials should be kept confidential, they may file a stipulation requesting that the Court
 4 issue its standard protective order. If the parties wish to propose additional provisions,
 5 they may request and stipulate to the additional proposed language, subject to the Court's
 6 review. In that case, all language added to the standard order by the parties should be
 7 redlined into a Word document using "tracked changes," and the parties' Word document
 8 with the tracked changes must be emailed to chambers. The parties are reminded that the
 9 mere fact the parties have designated certain materials or information as confidential
 10 pursuant to an agreement or stipulation does not mean the Court will automatically order
 11 that filings containing such information be placed under seal. *See Ctr. for Auto Safety v.*
 12 *Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). In all cases, the parties shall
 13 adhere to the federal and local rules, including LRCiv 5.6, which details the local rules
 14 for sealing court records.

15 **Motions to Seal**

16 LRCiv 5.6 governs sealing of court records in unsealed civil actions. Every
 17 motion to seal, including stipulations pursuant to LRCiv 5.6(d), must identify the legal
 18 standard applicable to the document at issue and explain why the material sought to be
 19 sealed meets that standard. For example, the stringent "compelling reasons supported by
 20 specific factual findings" standard articulated in *Kamakana v. City & Cty. of Honolulu*,
 21 447 F.3d 1172, 1178 (9th Cir. 2006), applies to filed motions and their attachments where
 22 the motion is "more than tangentially related to the merits of a case." *Ctr. for Auto*
 23 *Safety*, 809 F.3d at 1101. The more specific and compelling the reasons and facts
 24 provided are, the more likely it is that the Court will find that compelling reasons justify
 25 sealing the documents. Merely noting that a document was designated confidential by a
 26 party will not satisfy any applicable legal standard for sealing.

27 Where a party seeks to seal only certain portions of a given document, the
 28 unredacted version of the document, which should be lodged under seal pursuant to

1 LRCiv 5.6(c), must include highlighting to indicate which portions of the document the
2 party seeks to redact.

3 **Emergencies and Expedited Consideration**

4 Any party desiring expedited consideration of a motion or other matter pending
5 before the Court may make such a request by filing a separate *Notice for Expedited*
6 *Consideration*. This notice should set forth the grounds warranting accelerated resolution
7 and identify the dates of the imminent events pertinent to the request. A request for
8 expedited consideration that is simply mentioned in the caption/title of the related filing
9 will not be considered—a separate notice must be filed.

10 **Requests to Reschedule Court Dates**

11 The Court interprets LRCiv 7.3(b) as applying to requests to reschedule court
12 dates due to attorney conflicts. As such, and to enable the court to efficiently manage
13 cases, such requests must be made by motion or stipulation, must indicate the position of
14 each other party, and (unless another party plans to file a written opposition, which would
15 be appropriate only in rare circumstances) must propose to the Court at least three
16 dates/times when all counsel are available for rescheduling purposes.

17 **Noncompliance**

18 The parties are specifically advised that failure to prosecute, to comply with court
19 orders, or to comply with the Local and Federal Rules may result in dismissal of all or
20 part of this case, default, imposition of sanctions, or summary disposition of matters
21 pending before the Court. *See also* Local Rule 7.2(i) (“If a motion does not conform in all
22 substantial respects with the requirements of [the Local Rules], or if the [opposing party]
23 does not serve and file the required answering memoranda, . . . such noncompliance may
24 be deemed a consent to the denial or granting of the motion and the Court may dispose of
25 the motion summarily.”).

26 **IT IS FURTHER ORDERED** that Plaintiff(s) must promptly serve a copy of this
27 Order on any Defendant(s) that have not yet appeared and file a notice of service with the
28 Clerk of Court.

1 **IT IS FURTHER ORDERED** that unless the Court orders otherwise, the Clerk
2 of Court shall **terminate** without further notice any Defendant in this action that has not
3 been served pursuant to Rule 4(m) of the Federal Rules of Civil Procedure within 90 days
4 of filing the complaint.

5 Dated this 10th day of July, 2025.

6
7
8 
9 _____
10 Dominic W. Lanza
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28